

CHRISTOPHER JAMES BOWES, ESQ.
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CJB-8865

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|---------------------------------|---|---|
| -----X | | |
| LANCE BROWN, | : | MOTION FOR APPROVAL |
| | : | OF CONTINGENT FEE |
| Plaintiff, | : | AGREEMENT UNDER |
| | : | <u>42 U.S.C § 406(b)</u> |
| | : | <u>17</u> <u>JMF</u> |
| | : | 18 Civ. 1823(KBF) |
| -against- | : | |
| ANDREW M. SAUL, | : | |
| COMMISSIONER | : | |
| Social Security Administration, | : | |
| | : | |
| Defendant. | : | |
| -----X | | |

PLEASE TAKE NOTICE that upon the accompanying Declaration of Christopher James Bowes dated August 14, 2020 and Memorandum of Law in Support of the Motion, Plaintiff will move this Court before the Honorable Katherine B. Forest, United States District Judge, presiding, at the United States Courthouse for the Southern District of New York, 40 Foley Square New York, NY 10007, on submission, for an order:

(1) Approving the contingent fee agreement between plaintiff and his attorney whereby plaintiff agreed to pay his attorney 25 percent of past due benefits payable to him in exchange for legal services in federal court based on the contingency that past due benefits be awarded pursuant to 42 U.S.C. § 406(b); and

(2) Directing the Social Security Administration to pay an attorney fee of \$10,000 out of the past due Social Security Disability benefits payable to Mr. Brown for the period from March 2012 through March 2016. Because Mr. Brown is entitled to a credit of the payments of

\$2,600 awarded by the Court as attorney fees under the Equal Access to Justice Act, we seek approval of a net payment of \$7,400 under 42 U.S.C. § 406(b).

Dated: Shoreham, New York
August 14, 2020

Respectfully submitted,

/s/CHRISTOPHER JAMES BOWES, ESQ.
CHRISTOPHER JAMES BOWES, ESQ.
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To: United States Attorney for the
Southern District of New York
BY: Allison Rovner, Esq.
Assistant U.S. Attorney
86 Chambers Street, 3rd Floor
New York, NY 10007

Application GRANTED, substantially for the reasons set forth in Plaintiff's Memorandum of Law (ECF No. 18), except that the Court makes no findings with respect to the reasonableness of counsel's de facto hourly rate. The Clerk of Court is directed to terminate ECF No. 16 and to close the case.

SO ORDERED.

A handwritten signature in black ink, appearing to read "J. M. Jones", is written over the text "SO ORDERED." and the date.

August 19, 2020

CERTIFICATE OF SERVICE

I hereby certify that today, August 14, 2020 I served the foregoing Notice of Motion upon counsel for the defendant using the CM/ECF electronic filing system and causing a copy to be delivered, electronically, to

Allison Rovner, Esq.
United States Attorney's Office for the SDNY
86 Chambers Street, Third Floor
New York, NY 10007

/s/CHRISTOPHER JAMES BOWES, ESQ.
CHRISTOPHER JAMES BOWES
Attorney